

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

v.

Case No. 12-20421

Marvin Hudgins,

Sean F. Cox

United States District Court Judge

Defendant/Movant.

---

**ORDER DENYING**  
**DEFENDANT’S MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Following a jury trial, Defendant/Respondent Marvin Hudgins (“Hudgins”) was convicted of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e).

Hudgins filed a direct appeal and the United States Court of Appeals for the Sixth Circuit affirmed his conviction. *United States v. Hudgins*, Appeal Case No. 13-1321 (D.E. No. 47).

Acting *pro se*, Hudgins filed a Motion under § 2255 to Vacate, Set Aside, or Correct Sentence.

This Court referred the motion to Magistrate Judge David Grant for issuance of a report and recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B). On May 31, 2016, Magistrate Judge Grant issued a “Report and Recommendation To Deny Defendant’s Motion Under § 2255 To Vacate, Set Aside, Or Correct Sentence” (Docket Entry No. 77) (“the R&R”), wherein he recommends that “Hudgins’ Motion Under § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. #49) be DENIED, and that a certificate of appealability also be DENIED.” (R&R at 1-2).

The R&R advised Hudgins that objections to the R&R must be specific. (*Id.* at 22).

This Court adopted the R&R after no objections were filed during the permitted time period for doing so.

On July 5, 2016, however, Hudgins filed a motion stating that he did not receive the R&R and asked that he be permitted to file late objections to the R&R. This Court granted that request. On August 16, 2016, Hudgins filed objections to the May 31, 2016 R&R. (Docket Entry No. 85).

In an Order issued on September 1, 2016, this Court (Docket No. 86) addressed and rejected Hudgins's objections and again accepted the R&R.

On October 4, 2016, Hudgins filed a "Motion To Alter Or Amend A Judgment." (Docket Entry No. 88). This Court denied that motion in an Order issued on January 30, 2018. (Docket Entry No. 101).

Thereafter, Hudgins filed a Notice of Appeal, indicating that he wishes to appeal this Court's January 30, 2018 Order, along with an application seeking to proceed *in forma pauperis* on appeal. (Docket Entry Nos. 102 & 103).

The Court hereby **DENIES** Hudgins's application to appeal *in forma pauperis* because the Court concludes that the appeal would be frivolous.

**IT IS SO ORDERED.**

Dated: February 21, 2018

s/Sean F. Cox  
Sean F. Cox  
U. S. District Judge

I hereby certify that on February 21, 2018, the foregoing document was served on counsel of

record via electronic means and upon Marvin Hudgins via First Class mail at the address below:

Marvin Hudgins 47239039  
MILAN FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 1000  
MILAN, MI 48160

s/J. McCoy  
Case Manager